

COOPER & DUNHAM LLP
ATTORNEYS AT LAW
1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036
TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM	IVAN S. KAVRUKOV
NORMAN H. ZIVIN	PETER D. MURRAY
JOHN P. WHITE	JAY H. MAIOLI
WILLIAM E. PELTON	ROBERT B. G. HOROWITZ
ROBERT D. KATZ	DONALD S. DOWDEN
PETER J. PHILLIPS	DONNA A. TOBIN
WENDY E. MILLER	RICHARD S. MILNER
ROBERT T. MALDONADO	RICHARD F. JAWORSKI
ERIC D. KIRSCH	PAUL TENG
PEDRO C. FERNANDEZ	GARY J. GERSHIK
JANE M. LOVE	TOOD W. EVANS
MICHAEL F. MORANO	SPENCER M. SCHNEIDER
RAYMOND A. DIPIERNA	ALAN D. MILLER
FRANK A. BRUNO	CHRISTINE S. NICKLES**
CHRISTOPHER M. RIES	JASON S. MARIN
SPYROS S. LOUKAKOS*	KEITH J. BARKAUS*
MARIA V. MARUCCI*	

12-501
pb

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630

OF COUNSEL
JOHN R. GARBER
ALAN J. MORRISON

SCIENTIFIC ADVISOR
BRIAN J. AMOS, PH.D.

PATENT AGENTS
JENNIFER H. BURDMAN
GREGORY J. CARBO

FOUNDED 1887
www.cooperdunham.com

* NEW YORK STATE BAR ADMISSION PENDING

** ADMITTED IN MASSACHUSETTS ONLY

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO : Examiner B. Brumback

COMPANY/FIRM : U.S. Patent and Trademark Office

FACSIMILE NO. : (703) 746-5004

FROM : Alan J. Morrison, Esq.

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: _____

DATE : December 3, 2001 **TIME : _____**

CLIENT/DOCKET : 50130-E (Serial No.: 09/126,559)

MESSAGE:

Further to your request during our telephone conference earlier today, I am again transmitting herewith a copy of the CPA papers submitted to the U.S. Patent and Trademark Office on May 14, 2001 in connection with the above-identified application. For your convenience, we have inserted a sheet marked "Exhibit A" in place of the corresponding originally submitted Exhibit tab.

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0415.

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Applicant Daniel J. Capon et al.

Client ViroLogic (2793) File No. 50130-E

Date May 14, 2001

JPW/CMK

MAY 14 2001

Kindly acknowledge receipt of the accompanying
CPA Appln: Daniel J. Capon et al.

For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL
DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL
DRUG SCREENING Rule 2.53 (d) Continued Prosecution Application
("CPA") of U.S. Serial No. 09/126,559, filed July 30, 1998, claiming
benefit of U.S. Provisional Application No. 60/054,257, filed July 30,
1997, consisting of a 2 page CPA Request Transmittal (in triplicate),
Preliminary Amendment including Exhibit A, a check in the amount of
\$475.00, and an Express Mail Certificate of Mailing bearing Label No. EL
525 963 635 US, dated May 14, 2001.

by placing your receiving date stamp hereon and returning to us.

Date Due: May 14, 2001

AP

#16
YC
12601

Dkt. 50130-E/JPW/CMR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel J. Capon, Jeannette M. Whitcomb and
Neil T. Parkin

Serial No. : CPA of 09/126,559 Examiner: B. Brumback

Filed : July 30, 1998 Group Art Unit: 1642

For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING

1185 Avenue of the Americas
New York, New York 10036
May 14, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Box: CPA

SIR:

PRELIMINARY AMENDMENT

Please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend claims 1, 37 and 55-58 under the provisions of 37 CFR §1.121(c). Claims 1, 37 and 55-58 as amended recite as follows:

1. (Amended) A method for determining susceptibility of hepatitis C viral replication to an anti-hepatitis C virus (HCV) drug comprising:

- (a) introducing a resistance test vector comprising a patient-derived segment which comprises a hepatitis C virus (HCV) gene and an indicator gene into a host cell;
- (b) culturing the host cell from (a);
- (c) measuring expression of the indicator gene in a

